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Chairman: Mrs. FLORES (Uruguay)

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The meeting was called to order at 10.20 a.m.

EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT EARTHQUAKE IN INDIA

1. The CHAIRMAN, on behalf of all the members of the Committee, expressed sympathy to the Government of India in connection with the recent earthquake in its country.

AGENDA ITEM 144: REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-SIXTH SESSION (continued) (A/48/17 and A/48/296)

2. Mr. MIRZAEE-YENGEJEH (Islamic Republic of Iran) said that, since its inception, the United Nations Commission on International Trade Law (UNCITRAL) had played a laudable role in developing the body of international rules governing trade among nations. Its seminars, symposia and workshops at the regional and international levels had been essential to the dissemination of those rules. His delegation believed that UNCITRAL should continue its activities with regard to both the harmonization of trade law and training and assistance.

3. The Iranian delegation noted with satisfaction that the Commission, during its twenty-sixth session, had finalized and adopted the draft Model Law on Procurement of Goods and Construction. The Commission had also decided to request the Working Group to prepare model statutory provisions on the procurement of services to be submitted to UNCITRAL at its twenty-seventh session. The completion of that project would undoubtedly be helpful to developing countries in the conduct of their procurement transactions.

4. His delegation also noted that the Commission had received the report of the Working Group on Electronic Data Interchange concerning the preparation of a uniform law on electronic data interchange (EDI). Such rules were needed because of the tremendous progress made in electronic communication and the utilization of such systems in international commerce.

5. It was gratifying to note from paragraph 274 of the UNCITRAL report (A/48/17) that, based on a decision by the Commission taken at its twenty-first session, the secretariat had established a system for collecting, and disseminating information on, court decisions and arbitral awards relating to the Conventions and Model Laws that had emanated from the work of the Commission. His Government further noted that the first two "Case law on UNCITRAL texts" (CLOUT) publications had been issued. That initiative would help practitioners to better understand the Commission's texts; promote a uniform interpretation of UNCITRAL rules; and contribute to the dissemination of the Commission's texts. Accordingly, it would be appropriate for the information gathered to be included in the programme of seminars and other training activities organized under the Commission's auspices.

6. The Commission had also considered a number of proposals for topics to be included in its future programme of work. With regard to the possible preparation of a legal guide on "privatization contracts", his delegation agreed with the Commission that, because the various issues requiring consideration

(Mr. Mirzaee-Yengejeh, Islamic Republic of Iran)

under that topic were outside the scope of trade law, and the policies of States regarding privatization differed considerably, the Commission should not undertake work concerning legislation relating to privatization. However, it might be helpful to study such reforms and their effects from an international perspective.

7. Secondly, while his delegation supported the Commission's decision, as reflected in paragraph 294 of document A/48/17, to proceed with the preparation of guidelines for pre-hearing conferences in arbitral proceedings, it believed that such a mandate could best be fulfilled if it was entrusted to one of the Commission's working groups, in which experts could contribute significantly to the proceedings.

8. Thirdly, his delegation agreed with the prevailing view in the Commission that issues of cross-border insolvency merited further consideration, and was looking forward to receiving the Secretariat's in-depth study concerning the desirability and feasibility of harmonized rules in that area.

9. Paragraph 8 of the Secretary-General's report concerning travel assistance to developing countries (A/48/296) stated that the incidence of expert representation of developing countries in meetings of UNCITRAL and its working groups continued to be very low. Such a presence was absolutely necessary, as it would undoubtedly facilitate the universal harmonization of international trade law. His delegation endorsed the Secretary-General's recommendations that the General Assembly should finalize the matter of travel assistance to the representatives of the least developed countries and, when necessary, to the representatives of other developing countries, at its current session.

10. Mr. ZHANG Kening (China) said that his delegation noted with satisfaction that UNCITRAL had formally adopted its Model Law on Procurement of Goods and Construction. The drafting of the Model Law and its wide application by various countries would promote the further development of international trade. In view of the fact that trade in services had become an increasingly important component of international trade, it was to be hoped that UNCITRAL would complete drafting uniform laws on the procurement of services at an early date, thus bringing to a close its valuable work on unifying laws in the field of government procurement.

11. His delegation had taken note of the concern UNCITRAL showed at the slow progress made by the Working Group on International Contract Practices. Since the purpose of the General Assembly in establishing UNCITRAL had been to unify and coordinate the different domestic laws and rules concerning international trade, it was desirable that delegations should refrain from insisting on their own domestic laws and rules, so as to ensure that the work of unifying laws proceeded smoothly.

12. It was gratifying to note that many UNCITRAL uniform rules and conventions had been widely accepted by the international community. In particular, unprecedented success had been achieved in the field of the international sale of goods. His delegation would seriously consider making use of, ratifying or acceding to the Model Laws and Conventions produced by UNCITRAL.

13. Mr. ROSENSTOCK (United States of America) expressed his delegation's pleasure that UNCITRAL had successfully completed the Model Law on the Procurement of Goods and Construction at its 1993 session. The Model Law reflected widely accepted principles for publicly-funded government purchasing and was fully consistent with existing GATT guidelines on procurement.

14. The United States strongly recommended that at its forty-eighth session the General Assembly should adopt a separate resolution commending UNCITRAL for another task well completed, endorsing the end product and recommending that States should adopt or use the Model Law as the basis for national legislation.

15. His delegation was pleased to note that the Commission was building upon its success concerning goods and construction with an addition which would cover the procurement of services, and that it intended to complete the task within one year.

16. The Commission's record was highly impressive. Its strengths stemmed from many sources - including the Secretariat, which had made a substantive contribution to its work. In that connection, his Government was concerned at the staff vacancies in the professional ranks of UNCITRAL. The assignment of priorities when saving money was critical, and weakening productive institutions was never wise. The United States was prepared to see the Sixth Committee and the General Assembly call for the filling of the existing vacancies as a means of underscoring the high priority that should be accorded to meeting the staffing needs of the UNCITRAL secretariat.

17. His Government believed that the current and future work programmes of the Commission were realistic, appropriate and responsive to real needs. It was aware of the benefit for all concerned of assisting States to attend meetings of UNCITRAL and its working groups. That was a matter for the Fifth Committee to consider in a broader context.

18. Mr. NEUHAUS (Australia) said that UNCITRAL had enabled the United Nations to play an active role in the development of international trade law through its work in reducing or removing legal obstacles to the flow of trade. Those obstacles had been created, in part, by the multiplicity of and divergences in national laws. His country's objective of promoting the harmonization of international trade law had prompted its active participation in the Commission's work since its inception in 1968.

19. Australia welcomed the development and adoption of the UNCITRAL Model Law on Procurement of Goods and Construction. With the elaboration of an additional chapter on the procurement of services, UNCITRAL would have adopted a comprehensive text dealing with major aspects of procurement. It was to be hoped that the text would be widely accepted and applied by the international community.

20. Australia recognized the importance of the Commission's work on the development of a draft uniform law on international guaranty letters and on electronic data interchange. It was continuing to participate actively in both the Working Group on International Contract Practices and the Working Group on Electronic Data Interchange.

(Mr. Neuhaus, Australia)

21. An increasingly important part of the Commission's work was in the area of training and technical assistance. In September 1993, UNCITRAL had participated in a meeting in Singapore hosted by the Pacific Economic Cooperation Council concerning the harmonization of international trade law instruments in the Asia and Pacific region. The purpose of the meeting, in which 18 countries had participated, had been to consider conventions and model laws concerning international arbitration in the sale of goods with a view to enabling Council member countries to share expertise and information on those texts and, ultimately, to promote their adoption more widely.

22. Australia had provided technical assistance to that initiative and had assisted in organizing the meeting. As the bulk of Australian trade was with the Asia and Pacific region, his country had a strong interest in regional developments in trade and investment law and was committed to promoting increased awareness of, and the practical application of, international trade law conventions in the region. Australia's forthcoming annual international trade law conference would also have a regional focus; in particular, it would look at recent legal developments in China, Japan and South Korea.

23. More broadly, Australia commended the continued operation of the "case law on UNCITRAL texts" (CLOUT) system as an additional tool for international trade law research. As the collection of abstracts of court decisions and arbitral awards grew, developments in international law could be more easily monitored. In addition, the availability of information on developments in the law of contracting States would assist in the task of harmonizing international trade law.

24. Mr. SIDI-ABED (Algeria) said that the importance of the issues dealt with by the Commission's various working groups, and the significant results which the Commission had achieved, confirmed its central role in the development of the rules governing international trade. Nevertheless, the Commission should not lose sight of one of its main objectives, namely, to promote the development of legal norms guaranteeing a minimum of fairness in international trade relations, and to ensure proper treatment for the developing countries, so as to enable them to overcome the difficulties created by new economic realities.

25. His delegation believed that the UNCITRAL Model Law on Procurement of Goods and Construction constituted a major contribution to the rules of international trade; it could effectively reduce the time required for international procurement, and could ensure transparency in the procedures relating to procurement.

26. Another important aspect of the Commission's work was the fact that such rules served as a model for developing countries in the reform of their national legislation. His country, which was undergoing a transition to a market economy, would ensure that its procurement laws were based on the UNCITRAL Model Law and that its commercial practices were fully compatible with the relevant international norms.

(Mr. Sidi-Abed, Algeria)

27. The development of a similar law covering the procurement of services would also be extremely helpful. Naturally, such a law should take into account existing practices within the various legal systems. Model statutory provisions governing the procurement of services must not conflict with the international commercial norms in force or in preparation, such as the UNCITRAL Model Law. Furthermore, it would be prudent to adopt a very flexible approach in developing such provisions, so as to ensure the harmonization of legal systems.

28. His delegation noted with satisfaction the significant efforts made with regard to the harmonization of legal norms and practices relating to electronic data interchange (EDI). There was a pressing need to develop provisions in that area which, once adopted, would constitute a framework for the preparation of a model communication agreement. The developed countries must also take into consideration the technical and material difficulties experienced by the developing countries in that area.

29. With regard to the reports of the Working Group on International Contract Practices (A/48/17, chap. IV), his delegation commended the Group for the work accomplished and hoped that it would be completed before the Commission's 1995 session.

30. Lastly, his delegation wished to underscore the importance of granting financial assistance to the developing countries, especially the least developed countries, which were members of UNCITRAL, so as to ensure their full participation in the Commission's meetings and those of its working groups.

31. Ms. BOUM (Cameroon) noted with satisfaction that UNCITRAL had completed and adopted the draft Model Law on Procurement of Goods and Construction. She stressed that the Model Law should be just that: a model for countries wishing to improve their relevant legislation and their procurement practices or to draw up legislation in that area; it should not be used to impose conditions for the financing of development projects. The Working Group on the New International Economic Order should now proceed to draw up a draft on procurement of services, bearing in mind the need for compatibility with the work done by GATT.

32. She was pleased to note that the Working Group on Electronic Data Interchange would be developing a model law on that subject. She hoped that the Working Group on International Contract Practices would be able to finish its work on guarantees and stand-by letters of credit before the twenty-eighth session of the Commission in 1995. Her delegation attached great importance to the matter of training and technical assistance, and noted with satisfaction that the UNCITRAL secretariat had strengthened its activities in that field.

33. Turning to the future programme of work of UNCITRAL, she said that her delegation was of the view that in choosing subjects for codification, the Commission should bear in mind the need to overcome obstacles to the development of international trade, as well as overall development. Lastly, she stressed the need to ensure full participation of the developing countries in the process of unifying international trade law.

34. Mr. ORDZHONIKIDZE (Russian Federation) said that the main achievement of the Commission at its twenty-sixth session had been the completion of its work on the Model Law on Procurement. The Model Law should set an example for establishing unified norms to regulate procurement, in particular by Governments, by ensuring that financial resources were spent efficiently and preventing the emergence of circumstances favouring abuse and corruption. Many of its provisions were of a universal nature and could be used in the drafting of national legislation. For the Russian Federation, which was currently updating its legislation, the Model Law was of great practical significance since it was concerned with optimizing the centralized import of goods and services.

35. Since services were accounting for an ever-increasing portion of world trade, it was vital for the Commission to continue its work in that field. It might be possible either to prepare an additional chapter for the Model Law on Procurement or, taking into account the specific nature of services, to draft a separate model law on the procurement of services.

36. It was also important for the Commission to continue its work in two other fields: namely, resolving legal issues when drafting contractual arrangements using electronic data interchange, and the drafting of a convention (or model law) on independent guarantees and stand-by letters of credit. The adoption of such a convention or model law would provide a legal basis for the standardized application of a form of ensuring financial, commercial and other commitments - namely, the independent guarantee. For the Russian Federation, whose legislation in that field only recognized the institution of guarantees, the drafting of such a text would be particularly important. The existence of a model law on independent guarantees would fill the gaps in laws regulating relations between those involved in economic activity. The law would play a useful role in government procurement and would be particularly relevant for commercial structures like trade enterprises and commercial banks which were emerging in the market in order to ensure the requisite legal regulation of financial and commercial credits and to speed up payments.

37. The practical implications for his Government of UNCITRAL's work had been demonstrated in 1993 by the adoption of the Law on International Commercial Arbitration which was based on the UNCITRAL Model Law on International Commercial Arbitration. In response to the Commission's decision that States should designate national correspondents to provide information on arbitral awards and court decisions in connection with the application of UNCITRAL conventions and model laws, the Russian Federation had appointed the president of the international commercial arbitration court, Mr. Komarov, to the Russian Chamber of Commerce and Industry.

38. His delegation wished to return to the issues raised during the 1992 Congress on International Trade Law, in particular the question of the regulation of operations involving barter or the exchange of goods by drafting an appropriate norm which could be an addition to the 1980 Vienna Convention on Contracts for the International Sale of Goods. Another important issue concerned the uniformity of contract conditions concerning fines and assistance to the development of commercial arbitration.

(Mr. Ordzhonikidze, Russian Federation)

39. His delegation noted with satisfaction that the Commission had given active consideration to proposals made by the participants in the Congress. In its opinion, the preparation of draft guidelines for pre-hearing conferences in arbitral proceedings would enable participants in such proceedings to prepare in an appropriate way for the various stages of the proceedings. Other issues to be considered by the Commission were also important and forward-looking, namely the assignment of claims, the legal aspects of insolvency and bankruptcy, legal issues in privatization, and the Build, Operate and Transfer (BOT) project financing concept. All those issues could be looked at thoroughly in the Commission's working groups.

40. The Commission should maintain its leading role among international bodies dealing with international trade law. At the same time, it was vitally important that States should be able to take advantage of assistance provided by the relevant international bodies in drafting domestic legislation. The Commission's coordinating role should be therefore strengthened in that context.

41. The Commission's work in the area of training and technical assistance was crucial. The secretariat had developed a broad programme in that field; his delegation welcomed that approach, as described in chapter IX of the Commission's report (A/48/17) and hoped that such activities would be of practical use to those States with transitional economies.

42. Mr. YAMAMOTO (Japan) noted with satisfaction the adoption by UNCITRAL of the Model Law on Procurement of Goods and Construction, which had been drafted by the Working Group on the New International Economic Order. It was to be hoped that the Model Law would be useful to developing countries or countries undergoing transition.

43. Nevertheless, Japan had reservations as to whether the question of procurement of services should be discussed at the Working Group's next session. There was a need to observe how the Model Law on Procurement of Goods and Construction was accepted by each country before that question could be considered. Work was currently under way within the framework of the General Agreement on Tariffs and Trade (GATT) to expand the scope of government procurement by revising the GATT Agreement on Government Procurement to cover services. Accordingly, it was important to ensure that there was no duplication and that the Commission's efforts were coordinated with those of GATT. Furthermore, in some countries, including Japan, the laws regulating government procurement were classified as public law; accordingly, it might not be appropriate for UNCITRAL to take up the issue of procurement of services which, in the future, might be included in laws regulating government procurement. His Government stressed the importance of ensuring that, if UNCITRAL did take up that issue, its traditional expert and technical nature was not compromised by political factors.

44. Japan noted with satisfaction that the Working Group on International Contract Practices was continuing its work on a uniform law on guarantees and stand-by letters of credit. At the same time, his delegation expressed concern that the work appeared to be behind schedule, and hoped that it could be completed before 1995. Furthermore, in drafting the articles relating to tentative measures and jurisdiction, the Working Group should give due and

(Mr. Yamamoto, Japan)

careful consideration to the legal system of each country, since those articles related directly to procedural law.

45. Japan expressed appreciation to the Working Group on Electronic Data Interchange for its work in preparing a draft uniform law on electronic data interchange (EDI) and related means of trade data communication. His Government was of the view that uniform rules on EDI should take the form of a model law, since the area was one of rapid technological innovations. Although many international organizations were working on uniform trade laws, UNCITRAL was the most appropriate body to coordinate the various efforts. Ongoing cooperation was needed so as to avoid duplication.

46. Mr. ABOULMAGD (Egypt) expressed sympathy to the people and Government of India in connection with the recent earthquake in that country.

47. His delegation welcomed the adoption by UNCITRAL of the Model Law on Procurement of Goods and Construction and the Guide to Enactment of the Model Law and the establishment by its secretariat of the "Case law on UNCITRAL texts" (CLOUT) system.

48. Egypt was fully convinced of the importance of the unification of international trade law, and it had therefore acceded to and ratified all of the UNCITRAL conventions thus far adopted and was currently elaborating its own law on international commercial arbitration inspired by the UNCITRAL Model Arbitration Law.

49. Egypt was concerned at the low level of participation by developing countries in the work of the Commission and in the deliberations of its working groups. The full representation of different legal systems in the Commission's work was essential if conventions and model laws were to be balanced and thus capable of the widest acceptance. In recent times, the necessary balance had been seriously disturbed to the detriment of the developing countries, and that would have an adverse impact on the form and character of the Commission's work and on the ability and readiness of the developing countries to accede to conventions or enact model laws in whose formulation they had been unable to participate.

50. Egypt had supported the adoption of General Assembly resolution 47/34 requesting the Fifth Committee to continue to consider granting travel assistance to the least developed countries and other developing countries that were members of the Commission to enable them to participate in the sessions of the Commission and its working groups. The report of the Secretary-General on the implementation of that resolution (A/48/296) left no doubt that representation of developing countries was indeed very low and that hardly a third of them had representation at the meetings of all three working groups. The holding of consecutive meetings of the working groups would not provide a satisfactory solution, for the reasons given in the report of the Commission on that matter. The problem was further exacerbated by the possibility that a number of developing countries might seek to limit the activities of the Commission and to reduce the number of its working groups that met at the same time.

(Mr. Aboulmagd, Egypt)

51. His delegation hoped that a satisfactory solution would be found at the current session and that the necessary financial resources would be made available. That could only be achieved if there was a genuine conviction that the equitable representation for which provision had been made on the establishment of the Commission could be combined with a matching desire to enable all of its members to participate equally in its work. Only then could the Commission perform its functions in the unification of international trade law in the desired manner and in accordance with its mandate.

52. Mr. MARTENS (Germany) said that his delegation was pleased to note that UNCITRAL had adopted a draft Model Law on Procurement of Goods and Construction, as well as a commentary designed to give guidance to legislatures preparing legislation based on the Model Law. It was regrettable, however, that the Model Law did not cover the procurement of services. His delegation endorsed the draft resolution proposed by UNCITRAL, and recommended that all States which did not have provisions on procurement should adopt such laws, based on the UNCITRAL Model Law.

53. With regard to the future programme of work of UNCITRAL, he said that his delegation strongly supported the plan to discuss draft guidelines on pre-hearing conferences in arbitral proceedings at the Commission's 1994 session. He wished to stress, however, that in preparing the UNCITRAL work programme, the Commission and the secretariat should consider, in each case, whether a strong international need existed for the respective topics and whether Member States could be expected to enact and implement the results achieved by UNCITRAL. In order to optimize efforts, the work of other international bodies should also be taken into account. Duplication of efforts should be avoided, particularly in view of the recommendation in General Assembly resolution 47/34 that the Commission should pay special attention to the rationalization of the organization of its work. However, his delegation did not believe that the holding of consecutive meetings of UNCITRAL working groups would result in savings. Every working group consisted of national experts who would be different for different topics. Consequently, no savings in travel costs could be expected.

54. Lastly, his delegation wished to express its concern at the low representation of developing countries on UNCITRAL. It hoped that the Fifth Committee would conclude its consideration of that issue in the very near future.

55. Mr. POLITI (Italy) said that his delegation deeply appreciated the adoption of the UNCITRAL Model Law on Procurement of Goods and Construction, and looked forward to the preparation by the Commission of model provisions on the procurement of services.

56. He wished to commend the Commission for the progress it had made towards preparing legal rules on electronic data interchange (EDI) and a draft uniform law on guarantees and stand-by letters of credit. The first two "Case law on UNCITRAL texts" (CLOUT) publications would greatly enhance the understanding and the uniform application of the statutory texts covered by the system. His delegation welcomed, in particular, the Commission's intention to include the

(Mr. Politi, Italy)

information gathered by the CLOUT system in the seminar programmes and other training activities organized under its auspices. He was glad to note that the report mentioned the possibility of cooperation between the CLOUT system and the Centre for Comparative Legal Studies, a joint venture between the Italian National Research Council, the University "La Sapienza" of Rome, and the International Institute for the Unification of Private Law (UNIDROIT).

57. Italy noted with satisfaction that the UNCITRAL Congress, whose proceedings it hoped to see published quickly, had suggested a number of very interesting topics, such as pre-hearing conferences in arbitral proceedings, assignment of claims and cross-border insolvency. In closing, he wished to underline the importance of the Commission's training and assistance programme, which would increase awareness of the Commission's work and of its legal texts.

58. Mr. MOLNAR (Hungary) said that the adoption by UNCITRAL of the draft Model Law on Procurement of Goods and Construction was a major achievement. Since Hungary was also in the process of improving its laws in the field of procurement, it attached great significance to the adoption of the Model Law. The draft Guide to Enactment of the Model Law on Procurement would also play an important role in the drafting of legislation based on the Model Law. Since Hungary agreed that a comprehensive model for legislation on procurement was needed, it supported the suggestion that the scope of the Model Law should be expanded to cover procurement of services as well.

59. His delegation also welcomed the fact that the Working Group on Electronic Data Interchange had started to work out a uniform law on that subject. Hungary also attached great importance to training and assistance, and supported the endeavours of the secretariat to carry out an extensive programme designed to make the achievements of the Commission more widely known. His delegation was fully satisfied with the progress made by UNCITRAL on various other subjects, and supported its work in those areas. His delegation was prepared to make further contributions, also as a member of UNCITRAL, to efforts within the United Nations to harmonize and unify the principles and norms of international law. Lastly, he wished to express his delegation's appreciation to the UNCITRAL secretariat, whose professional competence had been one of the factors that had contributed to the Commission's success at its twenty-sixth session.

60. Mr. CHALYI (Ukraine) said that his country was a party to many instruments drafted under the auspices of UNCITRAL, including the United Nations Convention on the Limitation Period in the International Sale of Goods, which it had ratified in 1993. In addition, a draft law on international commercial arbitration, based on the UNCITRAL model law on that subject was currently under consideration in the Ukrainian Parliament. The provisions of the Model Law were in practice operating in Ukraine, and the Model Law had also been used as a basis for the regulations on international commercial arbitration by the Chamber of Commerce of the Ukraine, which had been set up at the end of 1992.

61. His delegation welcomed the completion of work on the Model Law on Procurement of Goods and Construction. The aims which had guided UNCITRAL in drafting the Model Law, namely transparency and openness in procurement, were

(Mr. Chalyi, Ukraine)

especially relevant for the establishment of a market economy. Since the public sector made up almost all of the economy of Ukraine, his country was looking closely at the possibility of introducing domestic legislation in the field in the near future.

62. His delegation took particular note of a new element in the codification work of UNCITRAL, namely the draft Guide to Enactment. It agreed with previous speakers about the need speedily to complete work on the unification of norms regulating the procurement of services.

63. With regard to the Commission's future work programme, work on the standardization of legal issues in electronic data interchange and the preparation of unified law on guarantees and stand-by letters of credit were of particular importance.

64. In the context of developing foreign trade relations, Ukraine considered the problems of cross-border insolvency and assignment of claims to be highly relevant. It did not fully agree with the Commission's decision to postpone consideration of legal issues in privatization. The aspects of privatization concerning principles governing and conditions for participation in privatization by foreign investors merited the immediate attention of UNCITRAL and could soon be standardized. A single standard could thus be established in that field, which would be of genuine assistance to countries in transition to a market economy.

65. His delegation greatly appreciated the work of UNCITRAL in training and technical assistance, in particular the seminar held in Kiev in 1993 under the auspices of the Commission. The expansion of the Commission's activities in that field would enable the wider dissemination of its ideas and aims, and facilitate the implementation and dissemination of its legal instruments. Furthermore, the adoption of the legal instruments would strengthen the information work of the UNCITRAL secretariat in notifying Member States of the status of the basic legal instruments.

66. In the light of the Commission's work at its twenty-sixth session, his delegation supported the Commission in connection with the points it had raised with regard to improving the way in which it was financed, which would be considered by the Fifth Committee.

67. Mr. NASIER (Indonesia) commended UNCITRAL for its work on the draft Model Law on Procurement of Goods and Construction, and noted that the purpose of the Model Law was to provide a framework and not to establish regulations. Accordingly, States would be able to undertake the implementation of procurement regulations and fill in the relevant details without having to compromise the objectives of the Model Law. His delegation hoped that the Commission would undertake further work on the drafting of model provisions on the procurement of services.

(Mr. Nasier, Indonesia)

68. His delegation also appreciated the efforts of the Working Group on Electronic Data Interchange in preparing uniform rules in that area. As that was a new and highly complex technical field, he agreed that the secretariat should continue to monitor legal developments in other organizations and report to the Commission at its next session, so as to facilitate its further work. With regard to training and assistance, he noted that in view of the scarcity of resources the secretariat had accommodated requests from third world nations and newly independent States by emphasizing national seminars more than regional ones. His delegation had been gratified that the Commission had cooperated with the Indonesian Ministry of Foreign Trade in holding seminars in Jakarta and Surabaya.

69. Indonesia hoped that the Working Group on International Contract Practices could complete its work on the draft Convention on International Guaranty Letters by the 1995 session. It also appreciated the Commission's review of the status of international conventions, and extended its support for possible future programmes. Equally important was the coordination of the Commission's efforts with those of other bodies, particularly in the promotion of its legal texts and guides.

70. Lastly, his delegation wished to commend the secretariat for the introductory notes it had prepared in connection with some of the topics suggested at the UNCITRAL Congress. Some of the key issues that were of vital interest to the developing countries, especially the countries of the Asian region and Indonesia, were those pertaining to international commercial contracts, commodities, the transfer of technology, industrial and intellectual property, international payments, transport, and commercial arbitration. If relevant rules were formulated by the Commission, it would increase the participation of those States in UNCITRAL.

71. Mr. MOHAMMED (Chairman, United Nations Commission on International Trade Law) thanked the members of the Committee for the constructive comments they had made. He would bring to the attention of the Commission all the observations that had been made during the discussion.

The meeting rose at noon.